

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20176 of 2022**

Arising Out of PS. Case No.-75 Year-2022 Thana- KANTI District- Muzaffarpur

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AKASH KUMAR SON OF DILIP SAH R/O SARMA SPUR, P.S.- KANTI,
DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Kanti

P.S. Case No. 75 of 2022 registered for the offences punishable

under Sections 393/120(B) of I.P.C. read with Sections 25(1-

b)a/26/27/35 of the Arms Act and under Section 37 of the

Excise Act.

As per prosecution case, accusation against the

petitioner is that he was found sitting alongwith other co-

accused persons in a car and one pistol and two cartridges were

recovered from the pocket of pocket of co-accused Sonu Kumar.

It is further alleged that smell of liquor was coming from the



mouth of other co-accused persons.

Learned counsel for the petitioner submits that petitioner is in custody since 07.02.2022. Petitioner bears one criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Co-accused Ajit Kumar alias Ajit Kumar Thakur has already been granted bail vide Cr. Misc. No. 30498 of 2022 by this Court and the case of present petitioner stands on more or less similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. - 2,



Muzaffarpur in connection with Kanti P.S. Case No. 75 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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